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1173-145

TO: GERALD M. MURPHY, JR.  
BIRCH, STEWART, KOLASCH & BIRCH  
301 NORTH WASHINGTON ST.  
P.O. BOX 747  
FALLS CHURCH, VA 22046-0747

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THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF  
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS  
AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME  
NUMBER REFERENCED BELOW. A DIGEST OF THE DOCUMENT HAS ALSO BEEN MADE  
AND APPEARS IN THE OFFICE'S RECORDS AS SHOWN:

ASSIGNOR: 001 YOSHIMURA, TEIZO  
ASSIGNOR: 002 ROBINSON, ELIZABETH A.  
ASSIGNOR: 003 APPELLA, ETTORE  
ASSIGNOR: 004 LEONARD, EDWARD J.

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DIGEST: ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE: 501 UNITED STATES OF AMERICA, THE, AS REPRESENTED BY THE SECRETARY OF DEPARTMENT OF HEALTH AND HUMAN SERVICES

SERIAL NUMBER 7-330446 FILING DATE 03/30/89  
PATENT NUMBER ISSUE DATE 00/00/00

TITLE OF INVENTION: HUMAN DERIVED MONOCYTE ATTRACTING PURIFIED PROTEIN  
PRODUCT USEFUL IN A METHOD OF TREATING INFECTION AND NEOPLASMS IN A HUMAN BODY, AND THE CLONING OF FULL LENGTH CDNA THEREOF

INVENTOR: 001 YOSHIMURA, TEIZO  
INVENTOR: 002 ROBINSON, ELIZABETH A.  
INVENTOR: 003 APPELLA, ETTORE  
INVENTOR: 004 LEONARD, EDWARD J.

PATENT  
1173-145P

91445822

APPLICANT: Teizo YOSHIMURA et al

SERIAL NO.: 07/330,446

GROUP:

FILED: March 30, 1989

EXAMINER:

FOR:

HUMAN DERIVED MONOCYTE ATTRACTING PURIFIED  
PROTEIN PRODUCT USEFUL IN A METHOD OF TREATING  
INFECTION AND NEOPLASMS IN A HUMAN BODY, AND  
THE CLONING OF FULL LENGTH cDNA THEREOFRECEIVED  
MAY 22 1989RECORDING OF ASSIGNMENTHonorable Commissioner of Patents  
Washington, D.C. 20231

May 19, 1989

Sir:

Please record the attached Assignment as follows and return  
the same to BIRCH, STEWART, KOLASCH & BIRCH, 301 North Washington  
Street, P.O. Box 747, Falls Church, VA 22046-0747.

From: Teizo YOSHIMURA, Edward J. LEONARD and Ettore APPELLA

To: The Government of the United States of America as  
represented by the Secretary of the Department of  
Health and Human Services

The recording fee of \$8.00 for the second Assignment recorded  
herein is attached hereto.

Please charge any fees under 37 C.F.R. 1.21(h) or credit any  
overpayment to Deposit Account No. 02-2448.

040 05/24/89 330446

Respectfully submitted,

1 518 8.00 CK  
BIRCH, STEWART, KOLASCH & BIRCH

BY

  
Gerald M. Murphy, Jr.  
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1173-145P

A S S I G N M E N TSerial No. 07/330,446Filed: March 30, 1989

WHEREAS, we, Teizo Yoshimura, a citizen of <sup>Japan</sup> ~~the United States~~  
of ~~America~~, residing at 1467 West Key Pkwy., Frederick, Maryland,  
Elizabeth A. Robinson, a citizen of the United States of America,  
residing at 4401 W. Virginia Avenue, Bethesda, Maryland 20815,  
Ettore Appella, a citizen of the United States of America, residing  
at 4112 Aspen Street, Chevy Chase, Maryland and Edward J. Leonard,  
a citizen of the United States of America, residing at 3704  
Kenilworth Drive, Chevy Chase, Maryland 20815, have invented HUMAN  
DERIVED MONOCYTE ATTRACTING PURIFIED PROTEIN PRODUCT USEFUL IN A  
METHOD OF TREATING INFECTION AND NEOPLASMS IN A HUMAN BODY, AND THE  
CLONING OF FULL LENGTH CDNA THEREOF, for which we have made  
application to the Commissioner of Patents and Trademarks for grant  
of Letters Patent of the United States; and

WHEREAS, we are the joint applicants named in the above-identified application for Letters Patent; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest therein, including foreign rights; and

WHEREAS, as to foreign rights, it is the policy of the Government of the United States of America to obtain an option to exercise such rights;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the premises and other valuable considerations, we the undersigned, have sold, assigned, and transferred and by these presents do sell, assign and transfer unto

THE GOVERNMENT OF THE UNITED STATES OF AMERICA as represented by the Secretary of the Department of Health and Human Services, and his successors (hereinafter THE GOVERNMENT), the entire right, title, and interest throughout the United States of America, its territories and dependencies, in and to the aforesaid invention described in the aforesaid application for Letters Patent of the United States, and all Letters Patents issuing thereon and any continuations, divisions, reissues or extensions thereof;

AND, we hereby authorize and request the Commissioner of Patents to issue said Letters Patent to THE GOVERNMENT as assignee of the entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, for the sole use for the full term or terms for which said Letters Patent and any continuations, divisions, reissues or extensions thereof are, or may be, granted as fully and entirely as the same would have been held by us, had this assignment not been made;

AND, we do hereby grant unto THE GOVERNMENT, the option to take all of the right, title, and interest in said invention and all applications for Letters Patent thereon in all countries foreign to the United States in which THE GOVERNMENT elects to file applications for Letters Patent, including the right to file such applications under the provisions of the International Convention claiming priority in the aforesaid United States application, without payment to us of any further consideration, provided, however, that this grant of an option to take foreign rights in our invention, or applications for Letters Patent thereon, shall have force and effect only as to those foreign countries in which THE GOVERNMENT notifies us of its election to file foreign patents within six months of the filing date of any applications for United States Letters Patent covering the invention, and that all foreign rights not exercised under the option are left to us subject to a nonexclusive, irrevocable, royalty-free license to THE GOVERNMENT in any patent which may issue on said invention in any foreign country, including the power to sublicense for use in behalf of THE GOVERNMENT and/or in furtherance of the foreign policies of THE GOVERNMENT:

AND, we hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit or abridge the interest herein conveyed at the time of the execution of this instrument by us;

AND, we hereby agree to execute any and all applications for Letters Patent, and to furnish all data and documents and to execute any papers which may be necessary for the preparation of filing of such domestic applications or for THE GOVERNMENT to exercise its option granted hereunder, including communicating to

THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, except that it shall be understood that we shall not be subject to any out-of-pocket expense relative to any such action.

The undersigned hereby grants the law firm of Birch, Stewart, Kolasch and Birch the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

Teizo Yoshimura  
Teizo Yoshimura

5/5/89  
Date

Elizabeth A. Robinson  
Elizabeth A. Robinson

5-16-89  
Date

Ettore Appella  
Ettore Appella

5/15/89  
Date

Edward J. Leonard  
Edward J. Leonard

5/8/89  
Date

Witnesses:

RECORDED  
PATENT & TRADEMARK OFFICE

MAY 19 89

Donald J. Zipp  
COMMISSIONER OF PATENTS  
AND TRADEMARKS OFFICE